

FRANK DUNN.

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MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

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MR. BELKNAP, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 2419.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2419) for the relief of Frank Dunn, having had the same under consideration, beg leave to submit the following report:

It is shown by official documents, hereto attached, that the beneficiary of this bill enlisted as a private May 17, 1861, under the name of Frank Henry, and served faithfully until mustered out of service with his company May 24, 1863; also, that he again enlisted May 19, 1864, to serve three years, in Company C, Third Pennsylvania Cavalry, and that he was transferred to Company B, Battalion Third Pennsylvania Cavalry, which company, by consolidation, afterwards became Company L, Fifth Pennsylvania Cavalry; that he served faithfully therein, having attained the rank of sergeant, until dishonorably discharged the service for "disobedience of orders," September 15, 1865.

It appears that this soldier, with many other noncommissioned officers and privates of the Fifth Pennsylvania Cavalry, when stationed near Richmond, after the close of the war, refused to drill as ordered on July 12, 1865, claiming that they were overworked and had not been paid for six months. It does not appear that this soldier, or the others, refused at any time to perform other duties. The sentence of the court-martial was that Frank Dunn, alias Charles Simpson, and those found guilty with him, were—

To be dishonorably discharged the service of the United States; to forfeit to the United States all pay and allowances after the 30th day of April, 1865, and to be confined at hard labor at the Dry Tortugas, or such other place as the general commanding may direct, for a period of eighteen months.

It appears that this sentence, which was certainly severe enough under the circumstances, was carried out, except a portion of the period of imprisonment, which was remitted by President Andrew Johnson.

In view of the facts that this soldier had an excellent record throughout the war and up to the date of the offense for which he has suffered

so long and so severely, that the war was over at the time, and that citizen soldiers who enlisted for a specific purpose could not be expected, after the consummation of the object of their enlistment, to appreciate the same necessity for maintaining discipline under all conditions which obtains with professional soldiers, and that it is the opinion of your committee that said soldier has certainly suffered enough for this single offense, they recommend the passage of the bill with the following amendment:

*Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.*

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*Case of Frank Henry, late of the Fourteenth New York Infantry Volunteers, and Charles Simpson, late of the Third Pennsylvania Cavalry Volunteers.*

It appears from the records of this office that Frank Henry was enrolled and mustered into service May 17, 1861, as a private in Company E, Fourteenth New York Infantry, to serve two years, and that he served faithfully until May 24, 1863, when he was mustered out of service, as a corporal, with the company.

It also appears that Charles Simpson was enrolled May 19, 1864, to serve three years, and assigned to Company C, Third Pennsylvania Cavalry; and that he was transferred to Company B, Battalion Third Pennsylvania Cavalry, in orders dated July 27, 1864, which company became, in June, 1865, (New) Company L, Fifth Pennsylvania Cavalry.

He was arraigned and tried before a general court-martial, the proceedings of which were promulgated in General Court-Martial Orders, No. 521, dated September 15, 1865, War Department, Adjutant-General's Office, a copy of which is hereto attached.

A report in the case of John M. Query and other former members of the Fifth Pennsylvania Cavalry, including the soldier in question, was furnished the Committee on Military Affairs, House of Representatives, July 17, 1890, on H. R. bill No. 1021, Fifty-first Congress, first session.

Since the date of that report it has been determined by this Department that Sergeant Charles Simpson was dishonorably discharged from service as of Company L, Fifth Pennsylvania Cavalry, to date September 15, 1865.

Respectfully submitted.

F. C. AINSWORTH,

*Colonel, United States Army, Chief Record and Pension Office.*

RECORD AND PENSION OFFICE,

*War Department, March 17, 1896.*

THE SECRETARY OF WAR.

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TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT,  
*Washington, D. C., January 15, 1895.*

The claim of Frank Dunn, as private and corporal Company E, Fourteenth New York Infantry, and sergeant Company L, Fifth Pennsylvania Cavalry Volunteers, for pay and bounty, has been examined and disallowed.

Soldier was enrolled April 24, 1861, mustered in for two years (under the alias of Frank Henry) and mustered out May 24, 1863; again enrolled (under the alias of Chas. Simpson) May 18, 1864, for three years, received \$25 advance bounty at muster in, was tried by general court-martial, found guilty, sentenced to forfeit all pay and allowances after April 30, 1865, and to be dishonorably discharged the service, and was dishonorably discharged to date September 15, 1865. He received arrears of pay for first service, including settlement of clothing account, together with \$100 bounty, act of July 22, 1861, but having been mustered out at place of enlistment travel allowances were not due. He received arrears of pay in second service to December, 1864. Having enlisted in second service after April 2, 1864 (and become entitled to a greater bounty than \$100), discharged before serving two years for a cause other than wounds received in line of duty, expiration of term of service, close of war, or sickness incurred since last enlistment, and as his discharge was a dishonorable one, he is not entitled to veteran bounty under joint resolution January 13, 1864, additional bounty

under act of July 28, 1866, nor to bounty under any act of Congress. As he received at final discharge transportation in kind to his home, and as his indebtedness to the United States for \$25 advance bounty not deducted, clothing drawn and for pistol charged against him is in excess of pay (and clothing allowance) from date of last payment, December, 1864, to date of forfeiture, April 30, 1865, and as he was enrolled, discharged, and paid as aforesaid he is not entitled to pay or bounty.

Respectfully, yours,

T. STOBO FARROW, *Auditor.*

No discharge certificate filed.

